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RECEIVED
JUN 5 1996
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

June 4, 1996

BY MESSENGER

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

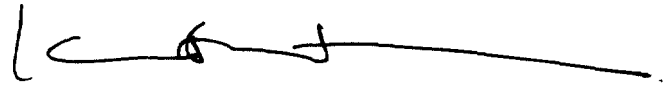
Re: Network-Affiliate Rules, MM Docket 95-92

Dear Mr. Caton:

The CBS Television Network Affiliates Association hereby provides copies of the attached 58 letters that have been sent to Chairman Hundt and the Commissioners. It is very likely that copies of all these letters were sent by their authors to the appropriate docket file, but this set of copies is being filed out of an abundance of caution to ensure that the public has access to them.

Please direct any inquiries concerning this matter to the undersigned.

Very truly yours,



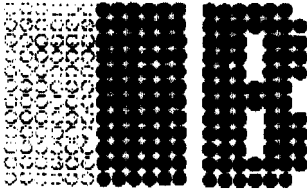
Kurt A. Wimmer

Attorney for the CBS
Television Network
Affiliates Association

Enclosures

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021



**Bahakel
Communications**
Radio • Television • Cable

June 4, 1996

BY FACSIMILE

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20054

Re: "Right to Reject" Rule

Dear Chairman Hundt:

I am writing this letter on behalf of Bahakel Communications, Ltd., which through its affiliated companies operate seven network affiliated stations throughout the United States. I write in order to urge you to reject efforts by the networks to modify the Commission's "right to reject" rule so that networks will have the right to prohibit "economic" preemptions of network programming. This proposal is unworkable and will fundamentally alter the balance of power of the network-affiliate relationship to the detriment of local programming and the interest of viewers in local markets.

Rule 73.658(e) presently prohibits networks from obtaining undue influence and control over affiliate programming. In particular, the rule protects the ability of affiliates to (1) preempt network programming which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, and (2) substitute a program which, in the station's opinion, is of greater local or national importance. This station's experience with the "right to reject" rule has been that the right to reject network programming which is contrary to the public interest or in order to air programming which is of greater local importance is vital to the maintenance of a healthy network-affiliate relationship.

Local discretion over programming, even in the context of a network-affiliate relationship, is central to the concept of community broadcasting. Modification of the "right to reject" rule to prohibit "economic" preemptions will discourage affiliates from airing innovative programming which is targeted towards local interests and, in fact, will unfairly penalize affiliates for airing programming which, although motivated by non-economic considerations, is successful.

P.O. Box 32488
Charlotte, NC 28232
704-372-4434
FAX 704-335-9904

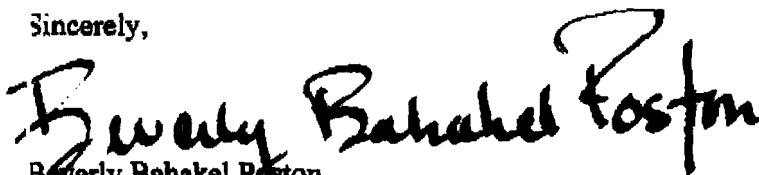
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The "economic" standard urged by the networks is an invitation for litigation. Every programming decision can be viewed as "economically" motivated, and any affiliate brave enough to preempt network programming under such a standard will risk legal confrontation with the network. The practical effect of this amendment will be that affiliates simply will not preempt network programming.

The "right to reject" rule, as it is currently written, is vital to the protection of local programming as well as the maintenance of some semblance of a balance of power in the network-affiliate relationship. I urge you to reject the networks' attempts to modify this rule by prohibiting "economic" preemptions of network programming.

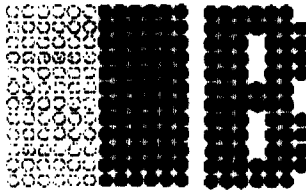
With best regards,

Sincerely,



Beverly Bahakel Poston
Executive Vice President

BBP/sj



**Bahakel
Communications**
Radio • Television • Cable

June 4, 1996

BY FACSIMILE

The Honorable James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20054

Re: "Right to Reject" Rule

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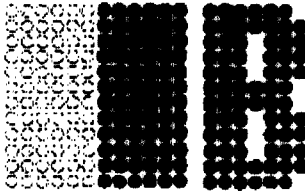
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Sincerely,



Beverly Bahakel Poston
Executive Vice President

BBP/sj



**Bahakel
Communications**
Radio • Television • Cable

June 4, 1996

BY FACSIMILE

The Honorable Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20054

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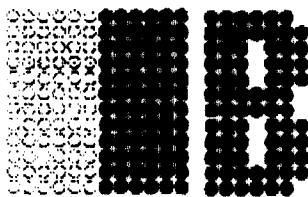
With best regards,

Sincerely,



Beverly Bahakel Poston
Executive Vice President

BBP/sj



**Bahakel
Communications**
Radio • Television • Cable

June 4, 1996

BY FACSIMILE

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20054

Re: "Right to Reject" Rule

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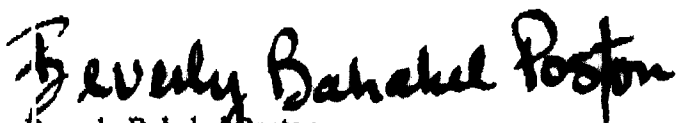
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With best regards,

Sincerely,



Beverly Bahakel Poston
Executive Vice President

BBP/sj

THE NEW YORK TIMES BROADCAST GROUP

808 CHANNEL THREE DRIVE
MEMPHIS, TN 38103 4802

OLIN F. MORRIS
GROUP SENIOR VICE PRESIDENT
GOVERNMENT AND CABLE RELATIONS

June 3, 1996

The Honorable Reed E. Hundt, Chairman
The Honorable James H. Quello, Susan Ness,
and Rachelle B. Chong, Commissioners
THE FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N. W., Eight Floor
Washington, D. C. 20054

I write, Chairman Hundt and Commissioners,

on behalf of Frank Roberts, President of THE NEW YORK TIMES BROADCAST GROUP, and
the Presidents and General Managers of its Television Stations:

Robert Eoff, WREG-TV, Memphis, Tennessee
Timothy Morrissey, KFSM-TV, Fort Smith, Arkansas
Linda Spalla, WHNT-TV, Huntsville, Alabama
Perry Chester, WQAD-TV, Moline, Illinois
Warren Reed, WNEP-TV, Scranton, Pennsylvania
Elden Hale, WTKR-TV, Norfolk, Virginia

We are opposed to amending the "right-to-reject" rule to permit affiliates to enter into agreements with networks that would eliminate "economic" preemptions. This decision, if it is made, would gut the right-to-reject rule as a practical matter and further shift the balance of power in the network-affiliate relationship to the network. Among the reasons we are in opposition are the following:

The right-to-reject rule protects local autonomy and local control of stations. Localism will be undermined if every preemption decision becomes subject to a public interest inquisition by the network.

The basic balance of power in the network-affiliate relationship will shift inescapably to the network if it is given this amount of control over the internal affairs of its affiliates. This balance already rests with the network due to economic size and power, changes in ownership rules, deregulation of fin/syn and PTAR, and other recent changes.

Page 2 - Network-Affiliate Rules

The determination of whether a preemption is "economic" cannot be made objectively. The network, which will make the initial judgement of whether to seek contractual penalties, will have every motivation to see every preemption as "economic." In fact, the rule would penalize successful local programming by making any popular program an ineligible program on which to base a preemption.

Economic preemptions are an important check on insufficient network programming or programming that cannot be made consistent with local tastes and values. Of stations cannot preempt unacceptable network programming to air more suitable programming for their local markets, they will be at a disadvantage compared to cable and other programmers.

Small-market affiliates will be especially harmed. In the past, large-market affiliates have carried the flag and negotiated fair deals, in some cases, with networks; now, large-market stations increasingly are owned by networks, leaving small-market broadcasters to fend for themselves against some of the largest corporations in the world.

In advance I thank you for your consideration.

Sincerely,

THE NEW YORK TIMES BROADCAST GROUP

A handwritten signature in dark ink, appearing to read "Olin F. Morris". The signature is stylized with a large, bold "O" and a cursive "Morris".

Olin F. Morris



P.O. Box 7220
Reno, NV 89510
(702) 858-2222
FAX: 861-4298

June 4, 1996

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20054
Fax: 202-418-2804

Dear Mr. Hundt:

It is essential that you preserve the autonomy of the local broadcaster in its programming decisions. The "Right to Reject Rule" is a crucial protection of this autonomy. Local stations thrive through the strength of their local identity. It is essential that local stations retain the right to say no to network programming, thereby retaining the safety check against network excess.

The implementation of "economic" criteria as the basis for network contractual penalties throw this balance of power to the networks. Any economically successful preemption will now be judged negatively. Preemption is the local stations ultimate leverage against non-viable or offensive network programming.

If this rule is dropped, small market broadcasters will find themselves at the mercy of the large market station's self interest, as represented by the network owned stations. Preserve the "Right to Reject Rule" and preserve the autonomy of the local broadcaster.

Sincerely,

Lawson Fox
President & General Manager

cc:
Kurt Wimmer

LF/keh



P.O. Box 7220
Reno, NV 89610
(702) 858-2222
FAX: 861-4298

June 4, 1996

The Honorable James H. Quello, Commissioner
1919 M Street, N.W., Room 802
Washington, D.C. 20054
Fax: 202-418-2802

Dear Mr. Quello:

It is essential that you preserve the autonomy of the local broadcaster in its programming decisions. The "Right to Reject Rule" is a crucial protection of this autonomy. Local stations thrive through the strength of their local identity. It is essential that local stations retain the right to say no to network programming, thereby retaining the safety check against network excess.

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Lawson Fox
President & General Manager

cc:
Kurt Wimmer

LF/keh



P.O. Box 7220
Reno, NV 89510
(702) 858-2222
FAX: 861-4298

June 4, 1996

The Honorable Susan Ness, Commissioner
1919 M Street, N.W., Room 832
Washington, D.C. 20054
Fax: 202-418-2821

Dear Ms. Ness:

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cc:
Kurt Wimmer

LF/keh



P.O. Box 7220
Reno, NV 89510
(702) 858-2222
FAX: 861-4298

June 4, 1996

The Honorable Rachelle B. Chong, Commissioner
1919 M Street, N.W., Room 844
Washington, D.C. 20054
Fax: 202-418-2820

Dear Ms. Chong:

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Lawson Fox
President & General Manager

cc:
Kurt Wimmer

LF/keh

2410 Eraste Landry • P. O. Box 90665 • Lafayette, LA 70509 • 318.981.4823 • Fax 318.984.8323

June 4, 1996

**The Hon. Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W.,
Room 814
Washington, DC 20054
FAX: (202) 418-2804**

Dear Chairman Hundt:

This letter is with respect to your June 12 meeting item "Network - Affiliate Rules" and an amendment to the "right-to-reject" rule.

It is vitally important to television stations such as ours, in the 121st market, to have the freedom to preempt network programming when a matter of local importance needs to be telecast in higher viewing periods. This system has worked well for over forty years between KLFY-TV and CBS and there is no need to change it.

KLFY-TV has not abused this privilege and CBS fully understands why TV-10, on occasion, substitutes other programs. It is extremely important to not change this system and we urge you to support local TV stations in attempting to continue to provide services to its communities in the face of increased competition.

Thank you.

Sincerely,

KLFY-TV/10

**Joseph R. Varhely
Vice President/General Manager**

JV:lc



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June 4, 1996

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1919 M Street, N.W.,
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KLFY-TV 10



**Joseph R. Varbey
Vice President/General Manager**

JV:lc

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June 4, 1996

**The Hon. Susan Ness, Commissioner
Federal Communications Commission
1919 M Street, N.W.,
Room 832
Washington, DC 20054
FAX: (202) 418-2821**

Dear Commissioner Ness:

This letter is with respect to your June 12 meeting item "Network - Affiliate Rules" and an amendment to the "right-to-reject" rule.

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Sincerely,

KLFY-TV 10

**Joseph R. Varley
Vice President/General Manager**

JV:lc

TO:

Via FAX

COSMOS BROADCASTING CORPORATION
POST OFFICE BOX 19023
GREENVILLE, SOUTH CAROLINA 29602
June 3, 1996

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W. 8th Floor
Washington, D.C. 20554

Dear Chairman Hundt:

As you begin the deliberations over revision of the "TV network rules," I urge you, on behalf of the eight network-affiliated stations licensed to Cosmos Broadcasting, to retain the "right to reject" rule. The retention of this rule is essential to maintaining the delicate balance of power between a network and its affiliates. Some examples:

Content: The Commission and members of Congress have expressed concern regarding the sexual and violent content of some network programs. Without the "right to reject" rule, an affiliate would not be able to make a program pre-emption when content is not deemed suitable for local market tastes. Having just attended two network program meetings, I can assure you that, with or without the network's support, Hollywood producers will continue to push the envelope on explicit content. While I personally believe that the "on-off" switch provides the best answer to objectionable content, a station is still held to a public interest standard. Without the right to reject a network program on content grounds, that standard becomes meaningless.

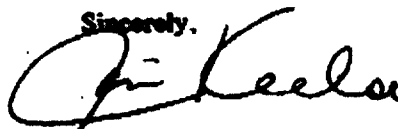
Special Events: Localism is the foundation of a successful station operation. We do occasionally pre-empt network programming for local/state sports, telethons, town hall meetings and other programs which don't meet the "news" definition. Again, without a "right to reject" rule, the networks can, and will, exert enormous pressure on a station to forego some of the essential elements of localism.

Contracts: The network-affiliate contracts provide the networks with ample leverage and opportunity to limit the so-called "economic" pre-emptions of programs. The networks can reduce compensation, move the affiliation, or withhold certain programs if stations pre-empt for non-justifiable reasons. These protections for the networks already exist in current contracts. Without the "right to reject" rule, all leverage in negotiations rests with the networks.

In order to maintain the foundations of localism, insure that the public interest standard can be met in each market, and maintain the balance of power between a local affiliate and its network, the "right to reject" rule must be retained.

Thank you for your attention and consideration.

Sincerely,


Jim Kaslor, President

nls

WAVE-TV, LOUISVILLE KY

WPE-TV, EVANSVILLE IN

WIS-TV, COLUMBIA SC

WLON-TV, BILLOH MS

WSPA-TV, MONTGOMERY AL

WTOL-TV, TOLEDO OH

KATV-TV, JONESBORO AR

KPLC-TV, LAKE CHARLES LA

CableVantage, Inc.

2410 Eraste Landry • P. O. Box 90665 • Lafayette, LA 70509 • 318.981.4823 • Fax 318.984.8323

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Vice President/General Manager**

JV:lc

SENT BY:AFLAC

; 6- 3-96 ; 15:15 ;

BROADCAST- Covington & Burling;# 1/ 2

Same letter sent to Commissioners Quello, Chong, Ness.

-----> CC: Kurt Wimmer



- WTQC-TV Savannah
- WAFB-TV Huntsville/Decatur
- KPVS-TV Paducah/Cape Girardeau
- KWWL-TV Waterloo/Cedar Rapids
- WTNH-TV Washington, NC
- WAFB-TV Baton Rouge
- WTVM-TV Columbus, GA

Leroy Paul
President

June 3, 1996

The Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Suite 814
Washington, DC 20554

RE: "Right to Reject Rule"

Dear Chairman Hundt:

Let me urge you to retain the "Right to Reject Rule" in its present, unaltered form. It is inconceivable to me that at the very moment that the Commission is wrestling with the Children's Programming question - knowing almost any government mandated content requirement will not pass constitutional review - you are also about to consider removing the right of local stations to reject network programming. Now, instead of 600 viewpoints concerning what content is best for our communities, we will have six viewpoints. This is a far-reaching decision and I urge you not to change the current rule. This is the ultimate weapon local stations have to preserve their autonomy and to act as a restraining influence on the networks. There is no way the Commission can ever word a regulation concerning "economic preemption" that will work in daily practice.

The Honorable Reed Hundt
June 3, 1996
Page Two

Many of the small and medium size stations have already lost their negotiating power with the networks, as large numbers of the top 50 markets are now owned or controlled through investments by the networks. These stations used to be our champions when the networks got out of line. Today, that leverage is no longer available to us. We need to retain our right to reject in order to fulfill the obligation placed on us by the Communications Act.

Please vote to retain the "Right to Reject Rule" in its present form.

Sincerely,



Leroy Paul

LP/eg



Howard Kennedy
Vice President
General Manager

June 3, 1996

The Honorable Rachelle B. Chong, Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20054

Dear Commissioner Chong:

I have learned the Commission will soon discuss modifying or eliminating the rules that cover the relationship between a network and its affiliates.

Please be aware the right-to-reject rule protects local autonomy and retain's "local" control of our station. Localism is the heart of our serving the public's need, necessity and convenience. If we don't have the right to broadcast The Muscular Dystrophy Telethon or the July 4th Fireworks Celebration, an Omaha Public School's "Familyness Series" Town Hall or any of a myriad of specials we preempt the network for in order to serve our community, the basic balance of power in the network-affiliate relationship will shift inescapably to the network. The lose in such a shift is to the viewer.

On behalf of KMTV and our viewers, I ask you and your colleagues to retain the current network-affiliate rules.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Howard Kennedy'.

Howard Kennedy

HK:psg



KOLR 10

Independent Broadcasting Company
Post Office Box 1716
Springfield, Missouri 65801-1716
(417) 862-1010

Ellis Shook, Vice President
General Manager

June 3, 1996

The Hon. Rachelle B. Chong, Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20054

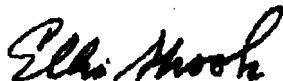
Dear Ms. Chong:

I am worried that FCC is considering altering its "right to reject" rules to permit networks to bind affiliates to contracts preventing so called "economic preemptions". I strongly oppose this shortsighted proposal and urge you to reject it. The proposed change would permit the networks to drastically limit the programs that an affiliate may preempt. The problem is not so much the number of hours pre-empted but the absolute control. For example, my agreement with the network provides for a certain maximum number of hours of preemption per year. However, under the proposed change when pressure is applied to affiliates, I believe their inevitable response will be to scale back dramatically on preemptions of all kinds -- even public interest preemptions like debates and public affairs. If affiliates are forced by this proposed new rule to plead a "public interest" case for every preemption, affiliates will simply be unable to choose programming most suitable for our community. The networks can and do exert unbelievable pressure.

I urge you not to break what is working. In reality, it is working. Only the networks may be complaining because they naturally would like to have absolute control. Who wouldn't? Also, this rule is really about the TV industry and local stations, not network control. I would urge the Commission not to do anything which erodes the attempt of a local station to be involved in localism and serving the local community. If there is a problem, please tell us about it so that we can address that.

I urge you not to change the rule on "right to reject".

Sincerely,



Ellis Shook
General Manager

ES:bg

bcc: Kurt Winner

KOLR 10

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Post Office Box 1716
Springfield, Missouri 65801-1716
(417) 862-1010

Ellis Shook, Vice President
General Manager

June 3, 1996

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Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20054


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Sincerely,



Ellis Shook
General Manager

ES:bg

bcc: Kurt Wismer